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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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ANTON EWING,

Plaintiff,

v.

MAIN STREAT MARKETING, LLC, a Utah  
limited liability company, and JERROD  
ROBKER,

Defendants.

**ORDER GRANTING MOTION TO  
COMPEL**

Case No. 4:21-mc-00002-DN

District Judge David Nuffer

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Judgment Creditor James E. Shelton<sup>1</sup> filed a Motion to Compel Post-Judgment Discovery Responses from Defendant Jerrod Robker (“Motion”)<sup>2</sup>. The Motion will be GRANTED.

Rule 69(a)(2) of the Federal Rules of Civil Procedure allows a judgement creditor to obtain discovery from a judgment debtor in aid of a judgment.<sup>3</sup> “Discovery of a judgment debtor's assets is conducted routinely under the Federal Rules of Civil Procedure,” including Rule 69.<sup>4</sup> The presumption under Rule 69 “is in favor of full discovery of any matters arguably related to the creditor's efforts to trace the debtor's assets and otherwise to enforce its judgment.”<sup>5</sup> Under Rule 37(a) of the Federal Rules of Civil Procedure, a judgment creditor may move to compel the debtor's

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<sup>1</sup> Anton Ewing assigned the judgment to Shelton. Claudine Osgood has been removed from the caption, as Osgood's claims were dismissed in the underlying case. Civil Docket for Case #: 3:16-Cv-02415-GPC-BGS, [docket no. 1-1](#), filed January 8, 2021.

<sup>2</sup> [Docket no. 5](#), filed December 30, 2021.

<sup>3</sup> *Hindman LLC v. Mihaly*, No. 21 MISC. 452 (PAE), 2021 WL 5362255, at \*1 (S.D.N.Y. Oct. 22, 2021).

<sup>4</sup> *Id.* at \*2 (quoting *First City, Tex.-Houston, N.A. v. Rafidain Bank*, 281 F.3d 48, 54 (2d Cir. 2002)).

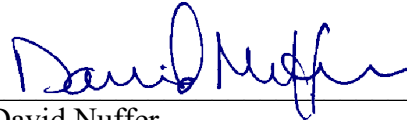
<sup>5</sup> *Citizens Bank, N.A. v. Zecchi*, No. 19-CV-00863-JLK, 2020 WL 6323684, at \*1 (D. Colo. July 28, 2020) (quoting *Compañía de Inversiones Mercantiles S.A. v. Grupo Cementos de Chihuahua, S.A.B. de C.V.*, No. 15-CV-02120-JLK, 2019 WL 8223561, at \*3 (D. Colo. Dec. 31, 2019)).

compliance with post-judgment discovery requests.<sup>6</sup> Upon review of the Motion, the interrogatories and the requests for productions of documents appear to be within the scope of Fed. R. Civ. P. 69(a)(2). Therefore,

IT IS HEREBY ORDERED that Defendant's Motion<sup>7</sup> is GRANTED. Defendant Jerrod Robker is directed to respond to the Interrogatories attached as Exhibit 2<sup>8</sup> to the Motion and the Requests for Production attached as Exhibit 3<sup>9</sup> to the Motion within 60 days of the entry of this order. Failure for Defendant to comply with this order may result in an adjudication of contempt of court and imposition of sanctions.

Signed this 4th day of January, 2022.

BY THE COURT



David Nuffer  
United States District Judge

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<sup>6</sup> *Hindman LLC*, 2021 WL 5362255, at \*2.

<sup>7</sup> Docket no. 5, filed December 30, 2021.

<sup>8</sup> Interrogatories to Defendant Jerrod Robker in Aid of Execution, docket no. 5-2, filed December 29, 2021.

<sup>9</sup> Requests for Production of Documents in Aid of Execution to Defendant Jerrod Robker, docket no. 5-3, filed December 29, 2021.